

- (13) Any other matters which the parties deem appropriate, including whether or not the trial should be Bifurcated.

Plaintiff's Statement:

Plaintiff does not believe the trial should be bifurcated.

As additional expert discovery, Defendants seek a supplemental expert report and the following documents from Plaintiff's economic expert:

1. Any and all prior expert reports that Dr. Borzilleri provided to or on behalf of Plaintiff's attorneys' firms;
2. Any and all copies of deposition transcripts or trial transcripts of Dr. Borzilleri's testimony in connection with his retention as an expert on behalf Plaintiff's attorneys' firms;
3. A copy of the retention letter between Plaintiff's attorneys' firms and Dr. Borzilleri;
4. A copy of any speeches or handouts or documents that Dr. Borzilleri presented to the Maryland Trial Lawyers Association; and
5. A copy of a January 3, 2007 letter from Attorney John M. LaRosa to Dr. Borzilleri referenced by Dr. Borzilleri in his April 5, 2007 deposition.

These requests seek documents and information that do not appear reasonably calculated to lead to the discovery of admissible evidence; seek consultation with experts; seek information or documents which constitute trial preparation materials or work product; seek discovery of agreements with strangers to this action which may be subject to non-disclosure and cannot be produced without agreement of a stranger; pose an undue burden on Plaintiff and are overbroad and ignore the requirements of Rule 26 of the Federal Rules of Civil Procedure. Therefore, Plaintiff has not produced the requested report and other documents.

Also, on May 3, 2007, Defendants for the first time, indicated that they seek to introduce and/or rely on two articles from the *Journal of Forensic Economics* from

Raymond A. Pepin in 1995 and from J. Thomas Romans and Frederick G. Floss in 1999. Defendants seek to introduce these documents, inter alia, for the purposes of critiquing a 1992 article by Plaintiff's economic expert, Dr. Borzilleri. Expert discovery concluded with the deposition of Dr. Borzilleri on April 5, 2007. Defendants post-discovery attempt to introduce such articles is an effort to produce expert testimony after the expert discovery cutoff. Alternatively, such articles are an attempt to produce previously requested documentary discovery after the discovery deadline has passed. Plaintiff objects to the listing of such articles on Defendants' exhibit list.